

Introduced by Senator Ducheny

February 24, 2006

An act to add Section 26840.12 to the Government Code, to add Section 103629 to the Health and Safety Code, and to add Section 18309.6 to the Welfare and Institutions Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

SB 1599, as introduced, Ducheny. Domestic violence prevention: funding.

Existing law requires the governing bodies of specified cities and counties to direct the local registrar, county recorder, or county clerk to deposit into special funds fees collected pursuant to specified provisions of law for filing fees for, and for certified copies of, fetal death and death records, and marriage and birth certificates. Existing law requires proceeds from these funds to be used for governmental oversight and coordination of specified domestic violence and family violence prevention, intervention, and prosecution efforts in the affected counties.

This bill would establish similar provisions, applicable to any county, pursuant to which the county board of supervisors may provide for the assessment and collection, subject to applicable constitutional requirements, deposit, and expenditure of the fees described above, for the prevention, intervention, and prosecution of domestic violence in the county.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 26840.12 is added to the Government Code, to read:

26840.12. (a) The board of supervisors of any county, upon making findings and declarations for the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, and subject to the applicable requirements of the California Constitution, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the board of supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the closest metropolitan area, as determined by the board, for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be allocated pursuant to Section 18309.6 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, the person issuing authorization for the performance of a marriage or confidential marriage in a county, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect the fees specified in subdivisions (a) and (b), at the time of providing the authorization.

(d) The board of supervisors of any county assessing a fee pursuant to subdivision (a) shall submit to the Assembly Judiciary Committee and the Senate Judiciary Committee, no later than July 1, 2009, a report containing the following information:

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

(2) Outcomes achieved as a result of the activities associated with the implementation of this section.

SEC. 2. Section 103629 is added to the Health and Safety Code, to read:

103629. (a) A county board of supervisors, upon making findings and declarations for the need for governmental oversight

1 and coordination of the multiple agencies dealing with domestic
2 violence, and subject to the applicable requirements of the
3 California Constitution, may authorize an increase in the fees for
4 certified copies of marriage certificates, birth certificates, fetal
5 death records, and death records, up to a maximum increase of
6 two dollars (\$2).

7 (b) Effective July 1 of each year, the board of supervisors may
8 authorize an increase in these fees by an amount equal to the
9 increase in the Consumer Price Index for the closest metropolitan
10 area, as determined by the board, for the preceding calendar year,
11 rounded to the nearest one-half dollar (\$0.50). The fees shall be
12 allocated pursuant to Section 18309.6 of the Welfare and
13 Institutions Code.

14 (c) In addition to the fees prescribed by subdivisions (a) and
15 (b), any applicant for a certified copy of a birth certificate, a fetal
16 death record, or death record in a county shall pay an additional
17 fee to the local registrar, county recorder, or county clerk as
18 established by the county board of supervisors.

19 SEC. 3. Section 18309.6 is added to the Welfare and
20 Institutions Code, to read:

21 18309.6. A county board of supervisors shall direct the local
22 registrar, county recorder, and county clerk to deposit fees
23 collected pursuant to Section 26840.12 of the Government Code
24 and Section 103627 of the Health and Safety Code into a special
25 fund. The county may retain up to 4 percent of the funds for
26 administrative costs associated with the collection and
27 segregation of the additional fees and the deposit of these fees
28 into the special fund. Proceeds from the fund shall be used for
29 governmental oversight and coordination of domestic violence
30 and family violence prevention, intervention, and prosecution
31 efforts among the court system, the district attorney's office, the
32 public defender's office, law enforcement, the probation
33 department, mental health, substance abuse, child welfare
34 services, adult protective services, and community-based
35 organizations and other agencies working in the county, in order
36 to increase the effectiveness of prevention, early intervention,
37 and prosecution of domestic and family violence.